



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (Large Entity)

Application Number: 09/736,167

Group Art Unit: 2176

Filed: December 15, 2000

Examiner Name: Bashore, William L.

Applicant: JAKUBOWSKI

Attorney Docket Number: 20-546

TITLE: SITE MINING STYLESHEET GENERATOR

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Transmitted herewith is
Reply Brief (6 pages).

The Commissioner is hereby authorized to charge any fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 20-546.**

Respectfully submitted,

William H. Bollman
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Date: July 16, 2008

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IN RE PATENT APPLICATION OF:

JAKUBOWSKI

TITLE: **SITE MINING STYLESHEET GENERATOR**

July 16, 2008

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant submits herewith the following Reply Brief in accordance with 37 C.F.R. § 41.41.

SUMMARY

The Examiner's Answer exemplifies the frustration of the Applicant in the prosecution of the present application: the Examiner continues to allege that it would be obvious to modify the primary reference used in the rejection, without any support for such an allegation, with flawed motivation, and while ignoring the fact that the prior art teaches away from such a modification.

(A) STATUS OF THE CLAIMS

Claims 1-98 are pending in this application. Claims 1-98 stand rejected.

(B) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Whether claims 7-23, 30-43, 47-53, 60-75 and 82-98 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,799,299 to Li et al. (“Li”).

(B) Whether claims 1-6, 24-29, 44-46, 54-59 and 76-81 are obvious under 35 U.S.C. §103(a) over Li in view of U.S. Patent No. 6,857,102 to Bickmore et al. (“Bickmore”).

(C) Argument

Section 103 rejections of claims 7-23, 30-43, 47-53, 60-75 and 82-98 over Li

Claims 7-23, 30-43, 47-53, 60-75 and 82-98 respectively recite determining an address for uniquely locating an item of content to be extracted and a site mining address for locating an item of content in a source page.

The Examiner acknowledged that Li “does not specifically disclose the above expressions as an ‘address’.” (see Examiner’s Answer, page 4) The Examiner alleged that it would have been obvious to one skilled in the art to “use external HREF link addresses”, allegedly shown in Li’s Fig. 14A and col. 8, lines 55-58, “for uniquely locating content, and as part of transformation information, providing the benefit of increasing locations of possible extraction.” (see Examiner’s Answer, page 4)

Li at col. 8, lines 55-58 discloses:

Six HTML links named Home, Products, Documentations, Records, Support, and Contact are centered in section 1404. A stylistic line stored as a graphics interface format (GIF) image is drawn next by the code in section 1406.

Li discloses HTML links within an HTML code description, as shown in Fig. 14A. Li fails to disclose, teach or suggest use of his disclosed HTML link for site mining, much less determining an address for uniquely locating an item of content to be extracted and a site mining address for locating an item

of content in a source page, as recited by claims 7-23, 30-43, 47-53, 60-75 and 82-98.

Moreover, using an address targets content that would **NOT** result in the Examiner's alleged benefit to Li of increased locations of possible extraction. The Examiner proposed modification of Li would in fact decrease the extraction to only those items that are at a particular address. Thus, the Examiner's motivation to modify Li is flawed, nonsensical and unfounded. The Examiner has still failed to provide proper motivation to modify Li in any way, much less in the manner proposed by the Examiner.

Moreover, the Examiner has failed to show how modifying Li's invention to use an address for extraction would increase locations of possible extraction. Li's invention uses pattern matching (see Li, col. 5, lines 62-66). Pattern matching potentially can return a large number of items that match a specified pattern. Thus, Li's invention already has the benefit of potentially having a large number of locations of possible extraction that would be **diminished** by the Examiner's proposed modification, and **NOT** benefit from use of an address.

Moreover, Li's invention is directed toward finding any content that matches a specified pattern, i.e., teaching use of an open search for content that matches a specified pattern. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Li teaches AWAY from using a **targeted search** for content that results from using an address.

Thus, Li relies on pattern matching to determine which elements an action is to be performed on. In contrast, Applicant's claimed features rely on an address. Pattern matching fails to disclose, teach or suggest use of an address, much less disclose, teach or suggest determining an address for uniquely locating an item of content to be extracted and a site mining address for **locating** an item of content in a source page, as recited by claims 7-23, 30-43, 47-53, 60-75 and 82-98.

The Examiner acknowledges that Li discloses HREF references that are “**suggestive**” of addresses. (see Examiner’s Answer, page 12) In other words, the Examiner is alleging that Li’s HTML references are **inherently** addresses. With respect to a section 103 rejection, **the use of inherency at all is entirely improper**. The concept of inherency has no place in determinations of obviousness under section 103, as opposed to anticipation under section 102, because “it confuses anticipation by inherency, i.e., lack of novelty, with obviousness, which, though anticipation is the epitome of obviousness, are separate and distinct concepts.” Jones v. Hardy, 727 F.2d 1524, 1529, 220 USPQ 1021, 1025 (Fed. Cir. 1984); See also In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775-76 (Fed. Cir. 1983)

Section 103 rejections combining Li and Bickmore

Claims 1-6, 24-29, 44-46, 54-59 and 76-81 recite a system and method generating a **site template to format a layout of a stylesheet based on capabilities of a mobile device**.

The Examiner acknowledges that Li fails to disclose content selection and style manipulation are expressly performed based on the capabilities of a mobile device client. (see Examiner’s Answer, page 9) However, the claims recite generating a **site template to format a layout of a stylesheet based on capabilities of a mobile device**. The Examiner has failed to address the limitations of claims 1-6, 24-29, 44-46, 54-59 and 76-81. Even if the Bickmore discloses the acknowledged deficiencies in Li, Bickmore would still not make up for the deficiencies in Li. By the Examiner’s own **acknowledgement**, Li and Bickmore, either alone or in combination, fail to disclose, teach or suggest the claimed features.

The Examiner alleged that Bickmore discloses generating a **site template** based on capabilities of a mobile device and generating content and style transformation information based on capabilities of a mobile device in Figs. 1, 2, 11 and 16; and at col. 3, line 55-col. 5, line 16. (see Examiner’s Answer, page 9) However, Bickmore discloses an automatic re-authoring system and method to re-author a document originally designed for display on a desktop

computer screen for display on a smaller display screen, such as a PDA or a cellular telephone (Abstract). Contrary to the Examiner allegation, Bickmore fails to even mention use of a site template and a stylesheet, much less a site template to format a layout of a stylesheet, much less a system and method generating a site template to format a layout of a stylesheet based on capabilities of a mobile device, as recited by claims 1-6, 24-29, 44-46, 54-59 and 76-81.

Moreover, even if Bickmore disclosed use of a site template and a stylesheet, which as discussed above Bickmore fails to even mention, there is no suggestion within the prior art to modify Li with the disclosure of Bickmore. Although Li recognized various devices having various capabilities, Li fails to even mention performing different types of transformations for different types of devices. There is no suggestion to one skilled in the art to modify Li to perform any function based on capabilities of a mobile device, much less generating a site template to format a layout of a stylesheet based on capabilities of a mobile device, as recited by claims 1-6, 24-29, 44-46, 54-59 and 76-81.

Moreover, Bickmore at col. 3, lines 55-63 discloses “automatic re-authoring ... to provide broad access to web documents or other web content from a wide range of devices”. Thus, Bickmore is able to perform such automatic re-authoring to provide broad access to web documents or other web content from a wide range of devices **WITHOUT** generating a site template to format a layout of a stylesheet based on capabilities of a mobile device. The Examiner has failed to provide a reason why one skilled in the art would modifying Li with anything other than Bickmore’s disclosure that does **NOT** rely on a site template or stylesheet to arrive at the relied on benefit.

Conclusion

Applicant has prosecuted this application in good faith, but continues to be faced by the current Examiner's 103 rejections, relying on references that fail disclose, teach or suggest the claimed features. As a result, Applicant has no choice but to Appeal the unfair and stubborn rejections by the Examiner in the present application.

For the reasons set forth above, the rejections of claims 1-98 are improper and should be reversed. The Applicant therefore respectfully requests that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,



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